

## DECLARATION AND POWER OF ATTORNEY

(Continuation-In-Part Application)

As a below named inventor, I declare that:

- i. The information given herein is true, and I believe that I am the original, first and sole inventor (if only one name is listed below), or a joint inventor (if plural inventors are named below), of the invention entitled:

## METHOD AND APPARATUS FOR OPERATING AND FUNDING A QUESTION AND ANSWER INTERACTIVE SYSTEM

which is described and claimed in:

- X the specification attached hereto or
- the specification in application  
Serial No. ,  
Filed: \_\_\_\_\_  
(for declaration not accompanying application);

- ii. This application in part discloses and claims new subject matter as well as subject matter disclosed in my earlier-filed application(s)

**Serial No.** 09/516,996  
**Filed:** March 1, 2000  
**For:** METHOD AND APPARATUS FOR FUNDING AN  
 INTERACTIVE SYSTEM FOR MANAGING QUESTIONS AND  
 ANSWERS AMONG USERS AND EXPERTS

**Serial No.** 09/447,259  
**Filed:** November 23, 1999  
**For:** INTERACTIVE SYSTEM FOR MANAGING  
QUESTIONS AND ANSWERS AMONG USERS AND  
EXPERTS

- iii. I acknowledge my duty to disclose information of which I am aware which is material to patentability in accordance with 37 C.F.R. §1.56, including such material information which occurred between the filing date of said earlier application and the filing date of this application.
- iv. I have reviewed and understand the contents of the specification, including the claims, as amended by any amendment specifically referred to herein.
- v. As to the subject matter of this application which is common to said earlier application I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof, or more than one year prior to said earlier application or in public use or on sale in the United States of America more than one year prior to said earlier application; said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to said earlier application. As to the subject matter of this application which is common to said earlier application, I hereby claim the priority benefits under 35 U.S.C. 119 of any application(s) for patent or inventor's certificate listed below. All applications for patent or inventor's certificate on this invention filed by me or my legal representatives or assigns prior to the application(s) of which priority is claimed as to the common subject matter are also identified below.

**PRIOR APPLICATION(S), IF ANY, OF WHICH PRIORITY IS CLAIMED**

<u>COUNTRY</u>	<u>APPLICATION NO.</u>	<u>DATE OF FILING</u>
U.S.	09/516,996	March 1, 2000
U.S.	09/447,259	November 23, 1999

**ALL FOREIGN APPLICATIONS, IF ANY, FILED PRIOR  
TO THE APPLICATION(S) OF WHICH PRIORITY IS CLAIMED**

COUNTRY                      APPLICATION NO.      DATE OF FILING

- vi.                      As to the new subject matter of the present application which is not common to said earlier application I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in a printed publication in any country before my or our invention thereof or more than one year prior to the date of this application, or in public use or on sale in the United States of America more than one year prior to the date of the present application, and said matter has not been patented or made the subject of an inventor's certificate in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to the date of this application. As to the new subject matter of the present application which is not common to said earlier application, I hereby claim the priority benefits under 35 U.S.C. 119 of any application(s) for patent or inventor's certificate listed below. All applications for patent or inventor's certificate on this invention filed by me or my legal representatives or assigns prior to the application(s) of which priority is claimed for the new subject matter are also identified below.

**PRIOR APPLICATION(S), IF ANY, OF WHICH PRIORITY IS CLAIMED**

COUNTRY                      APPLICATION NO.      DATE OF FILING

**ALL FOREIGN APPLICATIONS, IF ANY, FILED PRIOR  
TO THE APPLICATION(S) OF WHICH PRIORITY IS CLAIMED**

COUNTRY                      APPLICATION NO.                      DATE OF FILING

**POWER OF ATTORNEY:**

As a named inventor, I hereby appoint the following attorney(s) and/or agents(s) to prosecute this application and transact all business in the Patent and Trademark office connected therewith: Gordon D. Coplein #19,165, William F. Dudine, Jr. #20,569, Michael J. Sweedler #19,937, S. Peter Ludwig #25,351, Paul Fields #20,298, Harold E. Wurst #22,183, Joseph B. Lerch #26,936, Melvin C. Garner #26,272, Ethan Horwitz #27,646, Beverly B. Goodwin #28,417, Adda C. Gogoris #29,714, Martin E. Goldstein #20,869, Bert J. Lewen #19,407, Henry Sternberg #22,408, Robert A. Green #28,301, Peter C. Schechter #31,662, Robert Schaffer #31,194, Robert C. Sullivan, Jr. #30,499, Ira J. Levy #35,587, Joseph R. Robinson #33,448, Cheryl F. Cohen #40,361

all of the firm of DARBY & DARBY P.C., 805 Third Avenue, New York, NY 10022

SEND CORRESPONDENCE TO:                      DIRECT TELEPHONE CALLS TO:

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805 Third Avenue  
New York, NY 10022

Cheryl F. Cohen  
  
212-527-7700

**IDENTIFICATION OF INVENTOR 1**

LAST NAME: **MARKS**                      FIRST NAME: **JAMES**                      MIDDLE NAME: **D.**

CITY: **NEW YORK** STATE OR FOREIGN COUNTRY: **NEW YORK**                      COUNTRY OF CITIZENSHIP: **U.S.A.**

POST OFFICE ADDRESS: **101 W. 79<sup>TH</sup> STREET** CITY: **NEW YORK** STATE OR COUNTRY: **NEW YORK**                      ZIP CODE: **10024**

**IDENTIFICATION OF INVENTOR 2**

LAST NAME:                      FIRST NAME:                      MIDDLE NAME:

CITY:                      STATE OR FOREIGN COUNTRY:                      COUNTRY OF CITIZENSHIP:

POST OFFICE ADDRESS:                      CITY:                      STATE OR COUNTRY:                      ZIP CODE:

**IDENTIFICATION OF INVENTOR 3**

LAST NAME:                      FIRST NAME:                      MIDDLE NAME:

CITY: STATE OR FOREIGN COUNTRY: COUNTRY OF CITIZENSHIP:

POST OFFICE ADDRESS: CITY: STATE OR COUNTRY: ZIP CODE:

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 1: X [Signature] DATED: X 6/24/07

SIGNATURE OF INVENTOR 2: \_\_\_\_\_ DATED: \_\_\_\_\_

SIGNATURE OF INVENTOR 3: \_\_\_\_\_ DATED: \_\_\_\_\_

(D&DForms/PTO-22)

REV. 12/87-6/89

009330-109330

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application or Patent of:

Docket No. 3042/1G691-US2

Serial or Patent No: TBA (Continuation-in-Part of U.S. Serial No. 09/516,996 filed on March 1, 2000) Filed: Concurrently Herewith

For: METHOD AND APPARATUS FOR OPERATING AND FUNDING A QUESTION AND ANSWER INTERACTIVE SYSTEM

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS**  
**SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: **EXPERT VIEWPOINT, LLC**

ADDRESS OF CONCERN: **250 W. 57<sup>TH</sup> ST., NEW YORK, NY 10107**

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12 and in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons.

**Definitions:** For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled **METHOD AND APPARATUS FOR OPERATING AND FUNDING A QUESTION AND ANSWER INTERACTIVE SYSTEM**, by inventor(s) **James D. Marks** described in

- ☒ the specification attached hereto  
☐ application Serial No. , filed  
☐ Patent No. , issued .

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no

rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

*\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entitled (37 C.F.R. 1.27)*

NAME:

ADDRESS:

☐ INDIVIDUAL      ☐ SMALL BUSINESS CONCERN      ☐ NONPROFIT ORGANIZATION

NAME:

ADDRESS:

☐ INDIVIDUAL      ☐ SMALL BUSINESS CONCERN      ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. §1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

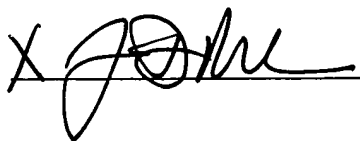
NAME OF PERSON SIGNING: James D. Marks

TITLE OF PERSON (IF OTHER THAN OWNER):

ADDRESS OF PERSON SIGNING:

*Pres/CEO of Body Health Resources Corp.,  
Managing Member*  
101 W. 79<sup>th</sup> St., New York, NY 10024

SIGNATURE:



DATE:

*6/26/00*